

### **REMARKS**

This paper is being submitted in response to the Office Action mailed July 23, 2004, for the above-referenced application. In this response, Applicant has cancelled claim 6 without prejudice or disclaimer of the subject matter thereof and amended claims 1 and 19 to clarify that which Applicant regards as the invention. Applicant respectfully submits that the amendments to the claims are fully supported by the originally-filed application.

The objection to claim 6 has been addressed by the cancellation of this claim herein.

The rejection of claims 1-8, 19 and 23-26 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,546,644 to Beny et al. (hereinafter "Beny") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 1, as amended herein, recites a ball marking device. A marking device marks a putting directional indicator on a dynamic axis of a ball. A braking mechanism stops movement of the ball with respect to the marking device and holds the ball in a position that allows that marking device to mark the putting directional indicator on the dynamic axis.

Independent claim 19, as amended herein, recites a method of marking a ball. A dynamic axis of a ball is located and identified. The movement of the ball is stopped and the ball is held in a fixed position so that the dynamic axis is at a specific location. A putting directional indicator is marked along the dynamic axis. The locating, identifying and marking steps are automated.

The Beny reference discloses a method and apparatus for locating the dynamic axis of a sphere. The device spins a sphere at high speed such that a stable axis aligns with the spin axis of the sphere while a marker point applies a mark to the spinning sphere. (See col. 3, lines 44-55 of Beny.)

Applicant's independent claims, as amended herein, recite at least the features of a ball marking apparatus and method in which a braking mechanism stops movement of a ball with respect to a marking device and holds the ball in a position that allows the marking device to mark a putting directional indicator on the dynamic axis of the ball. Applicant submits that Beny does not teach or fairly suggest at least the above-referenced features as claimed by Applicant. Specifically, Beny discloses spinning a ball to locate the dynamic axis while a marking pointer applies a circumferential line to the surface of the ball. (See col. 3, lines 7-30 of Beny.) Beny does not disclose a braking mechanism element, or active method step, that stops movement of the ball with respect to a marking device and holding the ball in a position so that the dynamic axis of the ball can be marked.

Accordingly, in view of the above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The rejection of claims 1-2 and 6-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,860,578 to Movick (hereinafter "Movick") is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

The features of independent claim 1 are discussed above. Claims 2 and 7 depend therefrom and claim 6 has been cancelled herein.

The Movick reference discloses a method and apparatus for determining the center of gravity of a spherical ball. A ball is placed in a cup and submerged in a liquid. A vibrational device vibrates the liquid and causes the ball to float and rotate, as acted upon by gravity, while the ball is in the cup. The center of the gravity of the ball is then marked on the surface of the ball. (See col. 3, lines 9-24 of Movick.)

Applicant respectfully submits that Movick does not teach or fairly suggest at least the features of a ball marking apparatus and method in which a braking mechanism stops movement of a ball with respect to a marking device and holds the ball in a position that allows the marking device to mark a putting directional indicator on the dynamic axis of the ball. Movick discloses that a ball rotates in a cup (4) by action of gravity and as permitted by flotation of the ball caused by the vibration of a liquid in which the ball is submerged. (See Fig. 2 of Movick.) The ball comes to rest in a position determined by its center of gravity. A thin layer of liquid is forced between the ball and the cup as a result of the vibration of the liquid and enables the ball to float in the cup. (See col. 1, lines 31-37 of Movick.) There is arguably no contact between the cup and the ball that stops movement of the ball and, in fact, Movick's device *specifically operates as a result of the lack of contact between the cup and ball* such that gravity acts to rotate the ball and indicate the ball's center of gravity. Movick does not disclose a braking mechanism element, or active method step, that stops movement of the ball with respect to the marking device and

holds the ball in a position so that the marking device can mark the dynamic axis on the ball, as claimed by Applicant.

Accordingly, in view of the above, Applicant respectfully request that this rejection be reconsidered and withdrawn

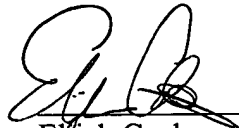
The rejection of claims 3-5, 8, 19 and 23-26 under 35 U.S.C. 103(a) as being unpatentable over Movick in view of Beny is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

The features of independent claims 1 and 19 are discussed above with respect to the Beny and Movick references. Claims 3-5, 8, 19 and 23-26 depend therefrom.

As discussed above, Applicant submits that neither Beny nor Movick, taken alone or in any combination, teach or fairly suggest at least the features of a ball marking apparatus and method in which a braking mechanism stops movement of a ball with respect to a marking device and holds the ball in a position that allows the marking device to mark a putting directional indicator on the dynamic axis of the ball, as claimed by Applicant. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-248-4792.

Respectfully submitted,



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